

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 12, 2007 (hereinafter Office Action) have been considered. Claims 1, 2, 4-8, 10-15, 24-31, 33-38, 40-42, 44, 45, 50, and 51 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 3, 32, 46-48, and 52-54 have been canceled herein. Claims 1 and 24 have been amended herein. Support for the amendments to claims 1 and 24 can be found in the subject matter of canceled claims 3, 32, 46-48, and 52-54, Figures 1, 2, 3A, and 5, and Page 12, Line 18 – Page 13, Line 3, among other locations. Accordingly, no new matter has been added.

Claims 1, 2, 8, 15, 24-31, 37, 42, 44, 45, 50, and 51 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,638,268 to *Niazi* (hereinafter “*Niazi*”) in view of U.S. Patent No. 4,586,923 to *Gould et al.* and U.S. Patent No. 6,408,214 to *Williams et al.* and U.S. Patent No. 6,485,455 to *Thompson et al.* and U.S. Patent No. 6,083,170 to *Ben-Haim* (hereinafter “*Ben-Haim*”).

Independent claims 1 and 24 have been amended to recite some variation of a guide handle connected to the proximal end of the outer sheath, the guide handle comprising at least one longitudinally disposed pre-stress line aligned with the at least one longitudinally disposed pre-stressed line of the outer sheath and at least two elongated separation grips aligned substantially parallel to the at least one longitudinally disposed pre-stress line of the guide handle, the guide catheter configured such that separation of the guide handle into at least two sections along the at least one longitudinally disposed pre-stress line of the guide handle initiates separation of the outer sheath along the at least one pre-stress line of the outer sheath, which the Applicant respectfully submits is not disclosed by *Niazi*, even in view of *Williams*, *Gould*, *Thompson*, and *Ben-Haim*.

As such, claims 1 and 24 each recite at least one element not taught or suggested by the combination of *Niazi*, *Williams*, *Gould*, *Thompson*, and *Ben-Haim*, and cannot be rendered *prima facie* obvious by this combination of references.

Each of claims 2, 8, 15, 25-31, 37, 42, 44, 45, 50, and 51 depend from one of independent claims 1 and 24, respectively. Independent claims 1 and 24 are not obvious for at least the reason that the cited references fail to teach or suggest each and every limitation recited in each claim. Furthermore, while the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Moreover, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, dependent claims 2, 8, 15, 25-31, 37, 42, 44, 45, 50, and 51 are not made obvious by *Niazi*, even in view of *Williams*, *Gould*, *Thompson*, and *Ben-Haim*. As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 1, 2, 8, 15, 24-31, 37, 42, 44, 45, 50, and 51 and notification that these claims are in condition for allowance.

Claims 3, 4, 32, 33, 46-48, and 52-54 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Niazi* in view of *Gould*, *Williams*, *Thompson*, and *Ben-Haim* as applied to claims 1 and 24, and further in view of U.S. Patent No. 5,409,469 to *Schaerf* (hereinafter "*Schaerf*"). Claims 5, 6, 34 and 35 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Niazi* in view of *Gould*, *Williams*, *Thompson*, and *Ben-Haim* as applied to claims 1 and 24, and further in view of U.S. Publication No. 2001/0039413 by *Bowe* (hereinafter "*Bowe*"). Claims 7 and 35 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Niazi* in view of *Gould*, *Williams*, *Thompson*, *Ben-Haim* as applied to claims 1 and 24, and further in view of U.S. Patent No. 6,533,770 to *Lepulu et al.* (hereinafter "*Lepulu*"). Claims 11-14, 40, and 41 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Niazi* in view of *Gould*, *Williams*, *Thompson*, and *Ben-Haim* as applied to claims 1 and 24.

Each of claims 4-7, 11-14, 33-35, 40, and 41 depend from one of independent claims 1 and 24, respectively. Independent claims 1 and 24 are not obvious for at least the

reason that the cited references fail to teach or suggest each and every limitation recited in each claim. Furthermore, while the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Moreover, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, dependent claims 4-7, 11-14, 33-35, 40, and 41 are not made obvious by *Niazi* in view of *Gould*, *Williams*, *Thompson*, and *Ben-Haim*, or further in view of *Schaerf*, *Bowe*, or *Lepulu*.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 4-7, 11-14, 33-35, 40, and 41 and notification that these claims are in condition for allowance.

It is to be understood that the Applicant does not acquiesce to the Examiner's characterization of the asserted art or the Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to the Applicant's claimed subject matter. Moreover, the Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, lack of disclosed criticality, lack of disclosed advantage, lack of solution for a stated problem, common knowledge at the time of the Applicant's invention, officially noticed facts, and the like. The Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in the Applicant's pending claims. The Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in the future.


Authorization is given to charge Deposit Account No. 50-3581 (GUID.038US01) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the

Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 
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